

1 Hon. John C. Coughenour
2 NOTE FOR CONSIDERATION: NOVEMBER 29, 2013
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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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10 WENDY JENDRYSIK,

11 Plaintiff,

12 v.

13 RECEIVABLES PERFORMANCE
MANAGEMENT, LLC

14 Defendant.

15
16 Case No. 2:13-cv-00559

17
18 DECLARATION OF ANDREW D.
SHAFER

19 I, Andrew D. Shafer, under penalty of perjury under 28 U.S.C. §1746, declare as
20 follows:

21 1. I am the attorney for RPM in this matter. I base this declaration on my
22 personal knowledge.

23 2. On September 9, 2013, RPM served its initial discovery on Plaintiff.
24 Plaintiff served her responses timely, on October 10. Plaintiff's responses are attached as

25 DECLARATION OF ANDREW D. SHAFER- 1
[Case No. 2:13-cv-00559]

SIMBURG, KETTER,
SHEPPARD & PURDY, LLP
999 Third Avenue, Suite 2525
Seattle, Washington 98104
(206) 382-2600
FAX (206) 223-3929

1 Exhibit 1 to this declaration.¹
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3 3. On October 11, I wrote to Plaintiff's counsel to review and respond to
4 Plaintiff's discovery objections, a copy of which letter is attached as Exhibit 2 to this
5 declaration.

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7 4. In response to my letter, Marshall Meyers sent an email to his co-counsel,
8 with a copy to me, instructing his co-counsel to supplement responses. While my October
9 11 letter invited Plaintiff's counsel to conduct a LR 37 discovery conference, no conference
10 was conducted until November 12. Before then I was simply awaiting Plaintiff's
11 supplemental responses. When they had not arrived by November 7, I contacted Mr.
12 Meyers to set up the LR 37 conference for the following week. On November 12, Mr.
13 Meyers, his associate David McDevitt, and I conducted a telephonic discovery conference
14 to review RPM's discovery requests and Plaintiff's objections.

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16 5. The following day, Mr. Meyers sent me a letter confirming the extent to
17 which Plaintiff would amend her responses. That letter is attached as Exhibit 3. While the
18 parties were able to resolve some issues, others remain.

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20 6. While the plaintiff delivered answers to discovery on October 10, Plaintiff
21 did not sign the responses, under oath or otherwise. (See Exhibit 1 attached). This was
22 curious. As is my practice, when I serve interrogatories and requests for production, I serve
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25¹ While the attached Exhibit 1 is date stamped October 15, I received a pdf copy via email on October 10.

1 an editable Word version for the responding party's convenience and also attach a pdf
2 original. Both versions contain a Certification page for the responding party to sign as well
3 as a certification for the attorney. A copy of the certification page to RPM's First
4 Discovery Requests is attached as Exhibit 4 to this declaration.

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6 Executed at Seattle, Washington this 14th day of November 2013.

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8 ANDREW D. SHAFER
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DECLARATION OF ANDREW D. SHAFER- 3
[Case No. 2:13-cv-00559]

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